

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
JUNE 13, 2017**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on June 13 2016, at 6:10 p.m. in the Town Hall meeting room.

**ROLL CALL:**

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Heather Henry
	Ben Bohmfalk
	Marty Silverstein
	Erica Sparhawk
Arrived after Roll Call	
Trustees	Katrina Byars
	Frosty Merriott
Staff Present:	
Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Attorney	Mark Hamilton
Public Works Director	Kevin Schorzman
Planning Director	Janet Buck

Trustees Merriott and Byars arrived at the meeting.

**CONSENT AGENDA**

- Accounts Payable totaling \$204,057.55
- BOT 5/16/17 Work Session Minutes
- BOT 5/23/17 Regular Meeting Minutes
- Liquor License Renewal – Sopris Liquor & Wine
- Best & Brightest Intern 2017-2019 Grant Agreement
- Lot 12B Fifth Amendment to Community Housing Agreement
- Airbnb Voluntary Collection Agreement

Trustee Bohmfalk made a motion to approve the Consent Agenda. Trustee Silverstein seconded the motion and it passed with:

*7 yes votes: Bohmfalk, Silverstein, Byars, Sparhawk, Richardson, Henry, Merriott*

### **PERSONS PRESENT NOT ON THE AGENDA**

Pat Kiernan, S. Third St., explained that he obtained a building permit and it was revoked by the Board of Adjustment (BOA) after the Town received an appeal from community members. He stated that he believes the process was not just and he wants a fair and equitable resolution to this matter. He requested an appeal hearing before the Trustees.

Mark Hamilton explained that according to the Municipal Code, the Trustees are not the final appeal board. Pat must appeal the decision to the Garfield County District Court. The permit was revoked because the BOA unanimously agreed that the design didn't comply with the OTR design criteria, and a landscape plan and solar shading plan were not submitted. Mark said that all Pat has to do is change the design and he would have a clear path forward. Mark noted that the majority of the fees will be returned with the exception of the plan review fees as the building official put an extensive amount of time in to the review.

The Board agreed that they should not consider an appeal of Pat Kiernan's building permit.

### **TRUSTEE COMMENTS**

Trustee Silverstein stated that the Carbondale Public Arts Commission Art Walk Around Town was really successful and the app describing the sculptures has been popular as well. They had their reception at the Launch Pad and it was well attended.

Trustee Silverstein stated that the June First Friday was probably the biggest of the year.

Trustee Silverstein informed the Board that the Sierra Club has named Marble Distillery as one of the top five (5) water conservation businesses.

Trustee Silverstein stated that the first Summer of Music concert was extremely successful. They raised \$237, enough to broadcast the next concert live on KDNK.

Trustee Byars informed the Board that she is moving out of Carbondale and will be resigning at the end of the month. She said that it has been an honor, and an extraordinary opportunity to serve the community.

Trustee Merriott stated that he thinks the Board should be more educated on the proposed trail to Crested Butte and the addition of some new trails up Prince Creek.

Trustee Merriott informed the Board that the City of Aspen has raised the age to purchase cigarettes to 21. He told the Board that he would like the Board to consider raising the age to purchase cigarettes to 21.

Trustee Merriott stated that only 19 states have laws against leaving children in hot cars. He asked if a dog is left in a hot car do we have the right to break the window? Jay suggested calling the police first. Jay will investigate what laws the Town has on leaving children/dogs in a hot car.

Jay told the Board that if we raise the age to purchase cigarettes to 21 we will forgo the tobacco tax revenue we receive and we will need to enforce the law locally. Jay will forward the City of Aspen staff memo to the Board which addressed the age increase.

Trustee Merriott asked how much will it cost for the Town to purchase wind power to cover all Town utilities. Jay responded that it would require a huge analysis because there are several different rate tiers.

Trustee Merriott announced that the Environmental Bill of Rights meeting has been scheduled for June 15<sup>th</sup> from 5:00 pm – 7:00 pm at Town Hall.

Trustee Bohmfalk stated that he and Garfield County Commissioner Jankousky are working on the Snowmass Drive trail. He will give the Board an update in the near future.

Trustee Bohmfalk informed the Board that the Bike/Pedestrian/Trails Commission did not have a quorum for their last meeting. They may not meet again for a few months. Trustee Bohmfalk stated that one of their goals is to make sharrows more consistent.

Trustee Bohmfalk stated that he met recently with a Blue Lake Preschool representative. They are looking to form a coalition and they will identify ways the Town can help with child care issues.

Trustee Bohmfalk addressed Trustee Merriott's comments about becoming educated on the proposed Crested Butte and Prince Creek trails. He told Trustee Merriott that Pitkin County held a well-attended open house on the trails two (2) months ago. Trustee Bohmfalk stated that they have not laid out the Crested Butte trail.

Trustee Sparhawk told the Board that new windows have been installed in the Third Street Center.

Mayor Richardson stated that he attended the Senior Matters volunteer appreciation reception.

Mayor Richardson stated that a few senior housing residents attended his Mayor's coffee. They told the mayor that the Town needs a recycling center. Mayor Richardson

would like the Environmental Board to consider a recycling center and waste diversion in general.

Mayor Richardson stated that he attended the RFTA Board meeting. Adoption of the Access Control Plan has been delayed until July. They are pursuing a grant to purchase eight (8) electric buses. The RE-1 School District has re-designed the intersection at County Road 154 which should improve the mobility of the area. RFTA has made a five (5) year commitment to the WeCycle program. The Carbondale senior housing project is requesting a modification of the Access Control Plan. RFTA has scheduled a Board retreat for late summer.

### **ATTORNEY'S COMMENTS**

The attorney did not have any comments.

### **SPECIAL EVENT LIQUOR LICENSE – CARBONDALE ROTARY CLUB**

Carbondale Rotary Club has applied for a Special Event Liquor License for an event to be held at the Fire Department. All fees have been paid, and the Police Department has reported no problems with the applicant or the premises.

Trustee Silverstein made a motion to approve Carbondale Rotary Club's Special Event Liquor License Application. Trustee Byars seconded the motion and it passed with:

*7 yes votes: Sparhawk, Richardson, Silverstein, Merriott, Byars, Bohmfalk, Henry*

### **PUBLIC HEARING – ORDINANCE NO. 9, SERIES OF 2017 – KDNK AMENDMENT TO COMPREHENSIVE PLAN AND REZONING**

Applicant: Robert Schultz Consulting for Carbondale Community Access Radio  
Location: 76 S. Second Street

Bob Schultz, Andy Korber and Gavin Dahl, representing KDNK, were present at the meeting.

Janet Buck explained that Carbondale Community Access Radio dba KDNK has submitted an application to rezone their building from Residential High Density (R/HD) to Historic Commercial Core (HCC). Because they are located in the R/HD they are unable to hold special events and membership gatherings. The Planning and Zoning Commission held a public hearing on this application in April where they unanimously recommended approval. Staff also recommends approval of the application.

Discussion ensued.

Bob, Andy and Gavin told the Board that they approached their neighbors about the zoning change and they were met with no objections.

Trustee Sparhawk disclosed that her brother is an adjacent homeowner. Bob said they talked to him and he did not have any issues with the rezoning.

Mayor Richardson opened the meeting to public comment. There was no one present who wished to address the Board.

Trustee Byars stated she is concerned with future development and how the zones would fit together. Bob explained that the Unified Development Code has very specific regulations on commercial properties that back up to residential properties.

Trustee Sparhawk made a motion to approve Ordinance No. 9, Series of 2017, approving the amendment to the Comprehensive Plan and the rezoning from R/HD to HCC zone district with the following recommended conditions and findings:

**CONDITIONS:**

1. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
2. The Applicant shall also pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.

**FINDINGS:**

**Findings - Amendment to the Comprehensive Plan**

The Comprehensive Plan should be amended to reflect the current commercial use of the land. The use of the land as a public radio station meets the goals in the Comprehensive Plan as follows:

1. The public radio station builds on Carbondale's economic strengths to cultivate a unique role in the regional economy.
2. KDNK enhances the Town as a destination for arts, performance, festivals, and performance events.
3. The public radio station supports and contributes to public art in its current downtown location.
4. Public radio enriches the arts and culture, special events, and performances that inspire civic pride, volunteerism and unity.

Findings - Rezoning

1. The rezoning will promote the public health, safety, and general welfare.
2. The amendment would be consistent with the proposed Comprehensive Plan amendment as this area is the historic center of commerce, culture, civic life, and celebrations-the heart of the community. The designation calls for downtown commercial and institutional uses, including offices and entertainment. The purposes stated in this Unified Development Code have been met.
3. The amendment is consistent with the stated purpose of the proposed zoning district, specifically, public radio contributes to the unique commercial area and provides complimentary commercial to the downtown;
4. The rezoning will not result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
5. The rezoning will not result in material adverse impacts to other property adjacent to or in the vicinity of the subject property.
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are available to serve the subject property while maintaining adequate levels of service to existing development.

Trustee Byars seconded the motion and it passed with:

*7 yes votes: Henry, Silverstein, Byars, Sparhawk, Bohmfalk, Merriott, Richardson*

**HISTORIC GARFIELD COUNTY MILL LEVY INITIATIVE**

Matt Annabel, a member of the Historic Garfield County Citizens Initiative, informed the Board that they would like to create a permanent and stable funding source to finance Garfield County's historic preservation and heritage tourism opportunities. They are requesting that the Garfield County Commissioners place a question concerning a mill levy tax increase of .00045 mills on the November ballot. The Commissioners will decide on July 10<sup>th</sup> if the tax increase question will be placed on the November ballot.

**RESOLUTION NO. 5, SERIES OF 2017 – ADOPTION OF CLIMATE ACTION PLAN**

Trustee Sparhawk presented Resolution No. 5, Supporting Clean Energy Future and Adopting Clean Energy Targets. She said that this is an opportunity to capture history. We are taking a stand on world agreements.

Discussion ensued.

Jay noted that the Resolution title needs to be revised so it includes "Adoption of the Climate Action Plan."

Trustee Henry stated that she appreciates how the Resolution brings together all aspects of energy saving plans. The vast majority of citizens can agree to the Plan.

Trustee Merriott would like to add the Commercial Green Building Code.

Trustee Bohmfalk stated we need to make sure that all of the plans have the same target or it will create confusion.

Trustee Byars stated this is profoundly progressive, we are setting the bar. She likes the historical tie-in and that we are taking a leadership role even though we are tiny.

Trustee Sparhawk made a motion to approve Resolution No. 5, Series of 2017, Supporting A Clean Energy Future And Adopting Clean Energy Targets with the following amendments: add approval of Climate Action Plan to the Title, add commercial statistics, remove the Paris Accord, and add a clause stating that Carbondale was the first community on the Western Slope to Adopt a Green Commercial Code. Trustee Byars seconded the motion and it passed with:

*7 yes votes: Bohmfalk, Merriott, Richardson, Henry, Silverstein, Byars, Sparhawk*

**RESOLUTION NO. 6, SERIES OF 2017 – AMENDING APPENDIX A OF THE MUNICIPAL CODE AND ORDINANCE NO. 10, SERIES OF 2017 AMENDING SECTION 13-3-30 OF THE MUNICIPAL CODE**

Kevin explained that after three (3) meetings on water rate increases and tap fee increases the Board directed staff to prepare a resolution for utility rate increases consistent with direction from the Board at past meetings. Kevin stated we need to include Ordinance 10 because tap fees are listed in the body of the Municipal Code, not in the Appendix.

The increase puts us back on track to get back to a yearly 3% increase to cover future infrastructure expenses. The increase is sustainable and doable. A letter and information sheet on the rate increase will be included in the water bills.

Trustee Byars stated that she appreciates the gradual increase.

Trustee Silverstein made a motion to adopt Resolution No. 6, Series of 2017, Amending Appendix A of the Carbondale Municipal Code, and Ordinance No. 10, Series of 2017, Amending Section 13-3-30 of the Carbondale Municipal Code. Trustee Henry seconded the motion and it passed with:

*7 yes votes: Merriott, Bohmfalk, Henry, Silverstein, Sparhawk, Byars, Richardson*

**MISCELLANEOUS**


The Board listed items they would like to discuss at the June 20, 2017, joint meeting with the Garfield County Commissioners. The items include:


- Funding from the Road and Bridge Mill Levy for 2018
- Multi-jurisdictional Housing
- Update on the Proposed 40 Acre Development at Cattle Creek
- Discussion on Unprotected Open Space Surrounding Carbondale
- Lack of Detoxification Resources

**ADJOURNMENT**

The June 13, 2017, regular meeting adjourned at 8:35 p.m. The next regularly scheduled meeting will be held on June 27, 2017, at 6:00 p.m.

APPROVED AND ACCEPTED

  
\_\_\_\_\_  
Dan Richardson, Mayor

ATTEST:  
  
\_\_\_\_\_  
Cathy Derby, Town Clerk

